

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HENRY EPSTEIN and KYLE CHRISTIAN
MARTINEZ,

Plaintiffs,

v.

BELLEVUE SCHOOL DISTRICT,

Defendant.

Case No. 2:19-cv-01007-RAJ

**ORDER GRANTING
PLAINTIFFS' MOTION FOR
LEAVE TO AMEND**

I. INTRODUCTION

Before the Court is Plaintiffs' motion for leave to amend. Dkt. # 12. For the reasons below, Plaintiffs' motion is **GRANTED**.

II. BACKGROUND

On June 14, 2019, Plaintiffs filed this lawsuit in King County Superior Court alleging a Fourteenth Amendment substantive due process claim; and negligence. Dkt. # 1-1. On June 27, 2019, Defendant removed the case to federal court. Dkt. # 1. On August 30, 2019, Plaintiffs filed this motion for leave to amend their complaint to remove their Fourteenth Amendment claim. Dkt. # 12.

III. LEGAL STANDARD

Amendment to pleadings is governed by Federal Rule of Civil Procedure 15(a). Rule 15(a) "provides that a party's right to amend as a matter of course terminates 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. P. 15(a)(1)(B). "In all other cases, a party

1 may amend its pleading only with the opposing party's written consent or the court's leave.
2 The court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2). "In
3 exercising this discretion, a court must be guided by the underlying purpose of Rule 15 to
4 facilitate a decision on the merits, rather than on the pleadings or technicalities." *Roth v.*
5 *Garcia Marquez*, 942 F.2d 617, 628 (9th Cir. 1991); *United States v. Webb*, 655 F.2d 977,
6 979 (9th Cir. 1981). Further, the policy of favoring amendments to pleadings should be
7 applied with "extreme liberality." *DCD Programs, Ltd. v. Leighton*, 833 F.2d 183, 186
8 (9th Cir. 1987).

9 IV. DISCUSSION

10 Plaintiffs are requesting for leave of court to amend their Complaint to dismiss their
11 Fourteenth Amendment claim, thereby leaving the negligence claim as the basis for their
12 lawsuit against Defendant. Dkt. # 12. The Court finds no evidence of bad faith and there
13 have been no previous requests made by Plaintiffs to amend the Complaint. Additionally,
14 there are no other motions or orders filed or pending in this case. As such, Defendant
15 would not be prejudiced by the amendment given the early stage of the litigation. Given
16 the liberal policy of favoring amendments to pleadings, the Court **GRANTS** Plaintiff's
17 motion.

18 V. CONCLUSION

19 For the reasons stated above, the Court **GRANTS** Plaintiffs' motion. Dkt. #. 12.
20 Within 14 days of this Order, the parties are to submit a joint statement not to exceed 5
21 pages as to why this case should not be dismissed for lack of subject matter jurisdiction.

22 DATED this 29th day of October, 2019.

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25 The Honorable Richard A. Jones
26 United States District Judge
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